

12-27-01

14

12/19/01  
USPTO

Practitioner's Docket No. 17396/09015

PATENT

Preliminary Classification:  
Proposed Class: 504  
Subclass:

jc781 U.S. PTO  
10/026301  
12/19/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Maurice R. De Billot; Schalk Van Wyk; T.E.M. Odendaal; Dennis Paul Phillion; Jeffrey

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
**(When using Express Mail, the Express Mail label number is mandatory;**  
**Express Mail certification is optional)**

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Commissioner for Patents, P O. Box 2327, Arlington, VA 22202

37 CFR 1.8a

37 CFR 1.10

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No ET938670248US.

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, 703

  
Signature

Date: December 19, 2001

Diane Filatov

Type or print name of person certifying

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

S. Coulas; Ernest F. Sanders; Greg A. Penner; Jawed Asrar; Michael K. Stern

For (title): METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

**1. Type of Application**

This transmittal is for an original (nonprovisional) application.

**2. Papers Enclosed**

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

70 Page(s) of Specification (including Title Page)

38 Page(s) of Claims

7 Sheet(s) of Drawing(s)--Informal

B. Other Papers Enclosed

1 Page(s) of abstract

8 Page(s) of Patent Application Data Sheet

**3. Declaration or Oath**

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. Section 1.41(c) on behalf of all of the above-named inventors.

**4. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**5. Language**

English

**6. Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

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CLAIMS AS FILED

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Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
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Total Claims (37 CFR 1.16(c))	75	- 20 =	55 x	\$18.00	\$990.00
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Independent Claims (37 CFR 1.16(b))	9	- 3 =	6 x	\$84.00	\$504.00
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Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00
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Filing Fee Calculation	\$2,234.00
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**7. Fee Payment Being Made at This Time**

**Enclosed**

Filing Fee	\$2,234.00
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Total Fees Enclosed	\$2,234.00
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**8. Method of Payment of Fees**

**Check in the amount of \$2,234.00 is attached.**

9. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge additional fees of this application to Account No. 50-1196.

10. Instructions as to Overpayment

Credit Account No. 50-1196.

11. Relate Back

This application claims the benefit of U.S. Provisional Application No.:

APPLICATION NO.

FILING DATE

60/257,502

12/22/2000

Date: 12/19/01



Signature of Practitioner

Reg. No.: 35,124  
Tel. No.: 864-259-2238

Charles E. Dunlap  
Nelson Mullins Riley & Scarborough  
Keenan Building, Third Floor  
1330 Lady Street  
Columbia, SC 29201



12-27-01

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

2234.00

## Complete if Known

Application Number	Unknown
Filing Date	12/19/2001
First Named Inventor	Maurice R. De Billot et al.
Examiner Name	Unknown
Group Art Unit	
Attorney Docket No.	17396/09015

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-1196**  
Deposit Account Name **Nelson Mullins Riley...**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	<b>740.00</b>
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00)

## 2. EXTRA CLAIM FEES

Total Claims	75	Extra Claims	Fee from below	Fee Paid
Independent Claims	9	-20** =	55	$55 \times 18.00 = 990.00$
Multiple Dependent		- 3** =	6	$6 \times 84.00 = 504.00$

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$1494.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	400	216	200 Extension for reply within second month	
117	920	217	460 Extension for reply within third month	
118	1,440	218	720 Extension for reply within fourth month	
128	1,960	228	980 Extension for reply within fifth month	
119	320	219	160 Notice of Appeal	
120	320	220	160 Filing a brief in support of an appeal	
121	280	221	140 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,280	241	640 Petition to revive - unintentional	
142	1,280	242	640 Utility issue fee (or reissue)	
143	460	243	230 Design issue fee	
144	620	244	310 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	740	246	370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370 For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) _____				

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Charles E. Dunlap	Registration No. (Attorney/Agent)	35,124	Telephone	864-250-2238	
Signature					Date	12/19/2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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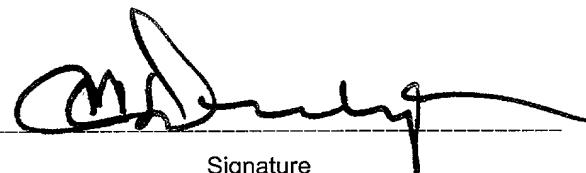
**REQUEST TO RESCIND PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	60/257,502
Filing Date	December 22, 2000
First Named Inventor	Maurice De Billot et al.
Title	Method of Improving Yield and Vigor
Atty Docket Number	17396/09015
Group Art Unit	Unknown
Examiner	Unknown

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

12/19/01

Date



Signature

Charles E. Dunlap

Typed or printed name

Reg. No. 35,121

This request must be signed in compliance with 37 CFR 1.33(b).

**Burden Hour Statement** This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: De Billot, Maurice R.; Van Wyk, Schalk; Odendaal, T.E.M.; Phillion, Dennis Paul; Coultas, Jeffrey S.; Sanders, Ernest F.; Penner, Greg A.; Asrar, Jawed; and Stern, Michael K.

Application No.: Not yet assigned

Group No.: Unknown

Filed: 12/19/2001

Examiner: Unknown

For: METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

**Box Patent Application**  
**Commissioner for Patents**  
**P.O. Box 2327**  
**Arlington, VA 22202**

## EXPRESS MAIL CERTIFICATE

"Express Mail" label number ET938670248US

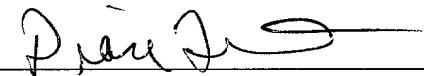
Date of Deposit 12/19/2001

I hereby state that the following *attached* papers or fees

1. Fee Transmittal (1 page).
2. Request to Rescind Previous Nonpublication Request (1 page).
3. New Application Transmittal (4 pages).
4. Patent Application Data Sheet (8 pages).
5. Patent Application, Title Page - Abstract (109 pages).
6. Informal Drawings, Figures 1 - 9 (7 pages).
7. Check for \$2,234.00
8. Return Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed Box Patent Application, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202..

Diane Filatov



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Signature of person mailing paper or fee